

H.B. 962 (Effective immediately)

Filed without Signature of Governor
(May 21, 1983)

S.C.R. 58

(May 23, 1983)

S.J.R. 13 (Effective November 8, 1983)

SEVENTY-THIRD DAY

(Tuesday, May 24, 1983)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment and was called to order by Senator Brooks.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Edward O. Jackson, Church of the Nazarene, Lake Whitney, offered the invocation as follows:

Our Heavenly Father, we come to You on this beautiful morning with thankful hearts. We thank You for all Your goodness to us in the past and today and in the tomorrows. We thank You for our great State of Texas, for our leaders in the past and our leaders today. We thank you for Governor White and for helping him. We pray Thou wilt continue to help him in his decisions and as he carries on his responsibilities as Governor. We thank You for every member of this great Senate. We pray You will be with each Senator as they carry out the responsibilities they have been elected by the people of this great State to do. Help each one to keep in mind we have a great God to help us make the right decision that we may continue to have a beautiful State, a safe place to live and to enjoy. In the name of Jesus Christ our Lord and Savior, we ask these things. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 1423

H.B. 500

Senator Parmer, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

H.B. 2087

H.B. 1753 (Amended)

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

H.C.R. 162

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

H.C.R. 88

H.C.R. 130

H.B. 487

H.B. 1585 (Amended)

H.B. 2391

H.B. 2425

H.B. 1277

H.B. 1511

H.B. 1769 (Amended)

H.B. 1914

H.B. 2112

H.B. 2368

C.S.H.B. 586 (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 2232

H.B. 306 (Amended)

H.B. 1846 (Amended)

H.B. 1555 (Amended)

H.B. 520

H.B. 18

H.B. 2251

H.B. 1980

H.B. 1877

C.S.H.B. 1517 (Read first time)

H.B. 1454

H.B. 1301

H.B. 1100

H.B. 444

S.C.R. 124

S.C.R. 62

H.B. 340

H.B. 411 (Amended)

H.B. 862 (Amended)

H.B. 470

H.B. 1966

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 64

H.B. 1867

H.B. 1114 (Amended)

H.B. 1451 (Amended)

H.B. 1959 (Amended)

H.B. 1010

C.S.H.B. 1344 (Read first time)

H.B. 736
H.B. 1969
H.B. 2067
H.B. 2066 (Amended)
C.S.H.B. 2002 (Read first time)

BILLS AND RESOLUTION ORDERED NOT PRINTED

On motion of Senator Brooks and by unanimous consent, the following bills and resolution were ordered not printed:

S.B. 1423
H.B. 500
H.C.R. 162

BILLS AND RESOLUTIONS ORDERED NOT PRINTED

On motion of Senator Santiesteban and by unanimous consent, the following bills and resolutions were ordered not printed:

H.C.R. 88
H.C.R. 130
H.B. 487
H.B. 2391
H.B. 2425
H.B. 1277
H.B. 1511
H.B. 1914
H.B. 2112
H.B. 2368

BILLS AND RESOLUTION ORDERED NOT PRINTED

On motion of Senator Farabee and by unanimous consent, the following bills and resolution were ordered not printed:

H.B. 2232
H.B. 1980
H.B. 1877
H.B. 1454
H.B. 1301
H.B. 1100
H.B. 444
S.C.R. 124
H.B. 340
H.B. 470
H.B. 1966

BILLS ORDERED NOT PRINTED

On motion of Senator Harris and by unanimous consent, the following bills were ordered not printed:

H.B. 64
H.B. 1867
H.B. 1010
H.B. 736
H.B. 1969
H.B. 2067

MESSAGE FROM THE HOUSE

House Chamber
May 24, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 158, Commending Elspeth Rostow, Dean of the LBJ School of Public Affairs.

H.J.R. 88, Proposing a constitutional amendment authorizing the legislature to exempt certain property of religious organizations from ad valorem taxation.

H.J.R. 97, Proposing a constitutional amendment authorizing certain raffles for charitable purposes.

H.B. 24, Relating to unlawful carrying of weapons.

H.B. 441, Relating to furnishing a voter with a written voting aid for use at the polling place.

H.B. 940, Relating to fees collected by district clerks.

H.B. 1015, Relating to firemen's and policemen's civil service.

H.B. 1075, Relating to the protection of public employees who report a violation of law.

H.B. 1253, Relating to the offense of disposing of or storing a pesticide in a manner that is likely to cause injury or pollution.

H.B. 1383, Relating to a limitation on municipal annexation and to the provision of municipal services to an annexed area.

H.B. 1546, Relating to a property tax exemption for religious organizations.

H.B. 1630, Relating to a statewide index of probate proceedings.

H.B. 1699, Relating to written investment objectives and performance evaluations concerning the investment of certain State funds.

H.B. 2233, Relating to housing finance corporations and the issuance of revenue bonds in order to carry out the purposes of the Act.

H.B. 2316, Relating to the availability of a defense of necessity in a prosecution for escape from custody.

H.B. 2436, Relating to the exemption from motor fuels tax for gasoline and alcohol mixtures.

C.S.S.B. 948, Relating to the regulation of compensation paid for the sale of credit insurance. (With amendment)

The House has tabled **S.B. 144** by Blake by a record vote of 93 Ayes, 44 Noes, and 2 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Sims and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1437 by Sims Jurisprudence
Relating to selection of jurors for the municipal court of record in Midland.

S.B. 1438 by Sharp Intergovernmental Relations
Relating to dimensions of manufactured housing being transported on the highways, roads, and streets of Texas.

S.R. 672 by Parker Natural Resources
Directing the Senate Finance Committee to monitor the changing need for recreational facilities in the State.

SENATE RESOLUTION 670

Senator Edwards offered the following resolution:

S.R. 670, Commending Edward Owen Jackson for his life of service to others.

The resolution was read and was adopted.

SENATE RESOLUTION 673

Senator Sarpalius offered the following resolution:

S.R. 673, Extending birthday greetings to David William Sarpalius.

The resolution was read and was adopted.

MESSAGE FROM COMPTROLLER OF PUBLIC ACCOUNTS

The following Message from the Comptroller of Public Accounts was read and was filed with the Secretary of the Senate:

BOB BULLOCK
Comptroller of Public Accounts
Austin, Texas 78774

May 24, 1983

The Honorable Mark W. White
Governor of Texas

The Honorable William P. Hobby, Jr.
Lieutenant Governor

The Honorable Gibson D. Lewis
Speaker of the House

Members of the 68th Legislature

Ladies and Gentlemen:

Today I am reducing my estimate of revenue available for certification by \$93.1 million. This reduces the total amount of revenue the state can expect to receive from all sources during 1984-85 to \$30.8 billion. This includes \$21.8 billion available for certification from the major funds.

This reduction is being made in view of the rapid growth in gasohol sales in the state. Refunds from the current gasohol exemption have almost quadrupled since December, and the cost to the State Treasury will continue to grow steeply over the next two years as gasohol becomes more widely used.

Sincerely,

/s/Bob Bullock
Comptroller of Public Accounts

**CONFERENCE COMMITTEE REPORT
HOUSE BILL 1121**

Senator Brown submitted the following Conference Committee Report:

Austin, Texas
May 23, 1983

Honorable William P. Hobby President of the Senate

Honorable Gibson D. "Gib" Lewis Speaker of the House of Representatives
Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 1121** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BROWN
FARABEE
HARRIS
HOWARD
SIMS

On the part of the Senate

SCHLEUTER
LEE
MESSER
WILSON
SAUNDERS

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

SENATE BILL 835 WITH HOUSE AMENDMENT

Senator Truan called **S.B. 835** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer (Senator Brooks in Chair) laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Messer

Amend **S.B. 835** by deleting all of Section 1, and adding in lieu thereof the following:

SECTION 1. Section 3, Chapter 396, Acts of the 67th Legislature, Regular Session, 1981 (Article 4447v, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. EXEMPTIONS. This Act does not apply to:

"(1) a circus, carnival, or zoo [~~required to be~~] licensed under the federal Animal Welfare Act, as amended (7 U.S.C. 2131 et seq.) which furnishes proof to the commissioner that it is inspected by the federal agency administering that Act at least once each calendar year;

"(2) a zoo operated by a political subdivision of the state, a childcare institution, or accredited by the American Association of Zoological Parks and Aquariums; [or]

"(3) premises where nonindigenous ruminants are bred and raised; or

"(4) organizations sponsoring and all persons participating in exhibitions of domestic livestock shows and rodeos."

The amendment was read.

Senator Truan moved to concur in the House amendment.

The motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 283 ADOPTED

Senator Santiesteban called from the President's table the Conference Committee Report on S.B. 283. (The Conference Committee Report having been filed with the Senate and read on Thursday, May 12, 1983.)

On motion of Senator Santiesteban, the Conference Committee Report was adopted.

SENATE BILL 350 WITH HOUSE AMENDMENT

Senator Glasgow called S.B. 350 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Shea

Substitute the following for S.B. 350:

A BILL TO BE ENTITLED AN ACT

relating to the method of payment of benefits under certain insurance coverage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 3, Insurance Code, is amended by adding Article 3.42A to read as follows:

Art. 3.42A PAYMENT OF BENEFITS IN CURRENCY.

(a) All benefits payable under any policy, contract, or certificate of life, term or endowment insurance, group life or term insurance, industrial life insurance, accident or health insurance, group accident or health insurance, hospitalization insurance, group hospitalization insurance, medical or surgical insurance, group medical or surgical insurance, fraternal benefit insurance, annuity or pure endowment contract, or group annuity contract delivered, issued, or used in this state by a life, accident, health, or casualty insurance company, a mutual life insurance company, mutual insurance company other than life, mutual, or natural premium life insurance company, general casualty company, Lloyd's, reciprocal or interinsurance exchange, fraternal benefit society, group hospitalization service, or any other insurer, shall be payable in currency.

(b) In addition to any other ground authorized by this Code for disapproval or withdrawal of a previously approved policy form, the Board shall have the authority to disapprove or withdraw approval of any such policy, contract, or certificate of insurance, the benefits of which are payable in foreign currency, if the Board determines such foreign currency to have been less stable than the currency of the United States over the preceding 20-year period. This article shall not be construed to require the resubmission for re-approval of any heretofore approved policy, contract or certificate of insurance form, unless withdrawal of such previous approval is authorized under Article 3.42, this article or unless it is determined, after notice and hearing, that such approval was obtained by misrepresentation, fraud, misleading statements or documentation, or other improper means.

(c) Any such policy, contract, or certificate of insurance providing that benefits are payable in foreign currency must conspicuously state that the currency

in which the policy is denominated can fluctuate in value as compared to the currency of the United States of America or a statement to such effect shall be attached to any such policy upon issue.

(d) The State Board of Insurance may adopt reasonable rules to carry out the purposes of this article including, but not limited to, requiring appropriate reserves for such policies, and requiring prudent investment of premiums collected from such insurance without regard to any other provision of this Code relating to the investment of funds by insurance companies.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Glasgow moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 1261 WITH HOUSE AMENDMENT

Senator Truan called S.B. 1261 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Craddick

Substitute the following for S.B. 1261:

A BILL TO BE ENTITLED AN ACT

relating to the election and terms of office of the members of the board of supervisors of the Willacy County Drainage District No. 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 5, Chapter 10, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(b) The next election for supervisors shall be held on the third Saturday in January, 1984 [~~second Tuesday in January, 1972~~]. At that election the two [~~four~~] persons receiving the largest number of votes shall serve for terms of three [~~two~~] years and the two persons receiving the next largest number of votes shall serve for terms of two years [~~three other persons elected to the board shall serve for a term of one year~~]. Thereafter, on the third Saturday in January [~~second Tuesday~~] in each year an election shall be held to elect the appropriate number of supervisors to the board, and these supervisors shall serve for three-year [~~two-year~~] terms. Except as provided in this subsection, elections for supervisors shall be held in the manner provided for election of supervisors of fresh water supply districts.

SECTION 2. Since the Willacy County Drainage District No. 1 is required to change the date of its annual election of supervisors by this Act, the provisions of Subsections (c) and (d), Section 9b, Texas Election Code (Article 2.01b, Vernon's Texas Election Code), govern the adjustment of dates and events in connection with the election.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Truan moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 1381 WITH HOUSE AMENDMENT

Senator Parker called **S.B. 1381** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Craddick

Amend **S.B. 1381** by adding the following at the end of Section 4 on page 3, line 20 after the word "benefit.":

"Provided further, the district shall not exercise any of the powers authorized herein unless the district's establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act."

The amendment was read.

Senator Parker moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1382 WITH HOUSE AMENDMENT

Senator Parker called **S.B. 1382** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Craddick

Amend **S.B. 1382** by adding the following at the end of Section 4 on page 10, line 7 after the word "benefit.":

"Provided further, the district shall not exercise any of the powers authorized herein unless the district's establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act."

The amendment was read.

Senator Parker moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1383 WITH HOUSE AMENDMENT

Senator Parker called **S.B. 1383** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Craddick

Amend S.B. 1383 by adding the following at the end of Section 4 on page 5, line 20 after the word "benefit.":

"Provided further, the district shall not exercise any of the powers authorized herein unless the district's establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act."

The amendment was read.

Senator Parker moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1384 WITH HOUSE AMENDMENT

Senator Parker called S.B. 1384 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Craddick

Amend S.B. 1384 by adding the following at the end of Section 4 on page 4, line 15 after the word "benefit.":

"Provided further, the district shall not exercise any of the powers authorized herein unless the district's establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act."

The amendment was read.

Senator Parker moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1385 WITH HOUSE AMENDMENT

Senator Parker called S.B. 1385 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Craddick

Amend S.B. 1385 by adding the following at the end of Section 4 on page 3, line 15 after the word "benefit.":

"Provided further, the district shall not exercise any of the powers authorized herein unless the district's establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months

and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act.”

The amendment was read.

Senator Parker moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1386 WITH HOUSE AMENDMENT

Senator Parker called **S.B. 1386** from the President’s table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Craddick

Amend **S.B. 1386** by adding the following at the end of Section 4 on page 4, line 14 after the word “benefit.”:

“Provided further, the district shall not exercise any of the powers authorized herein unless the district’s establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act.”

The amendment was read.

Senator Parker moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1387 WITH HOUSE AMENDMENT

Senator Parker called **S.B. 1387** from the President’s table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Craddick

Amend **S.B. 1387** by adding the following at the end of Section 4 on page 4, line 6 after the word “benefit.”:

“Provided further, the district shall not exercise any of the powers authorized herein unless the district’s establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act.”

The amendment was read.

Senator Parker moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

(President in Chair)

SENATE BILL 567 WITH HOUSE AMENDMENTS

Senator Jones called S.B. 567 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Presnal

Substitute the following for S.B. 567:

**A BILL TO BE ENTITLED
AN ACT**

relating to the rates of state and member contributions to the Teacher Retirement System of Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITION. In this Act "annual compensation" has the meaning assigned to that term by Section 31.001(4), Title 110B, Revised Statutes.

SECTION 2. RATE OF STATE CONTRIBUTIONS. Instead of the rate of contributions required by Section 35.404(a), Title 110B, Revised Statutes, the rate of state contributions to the Teacher Retirement System of Texas for the fiscal years beginning September 1, 1983, and September 1, 1984, may be determined in the General Appropriations Act at not less than 7.1 percent of the aggregate annual compensation of all members of the retirement system during the fiscal year.

SECTION 3. RATE OF MEMBER CONTRIBUTIONS. Instead of the rate of contributions required by Section 35.402, Title 110B, Revised Statutes, the rate of member contributions to the Teacher Retirement System of Texas for the fiscal years beginning September 1, 1983, and September 1, 1984, is six percent of each member's annual compensation for the fiscal year.

SECTION 4. EXPIRATION DATE. This Act expires September 1, 1985.

SECTION 5. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1 - Presnal

Amend C.S.S.B. 567 as follows:

(1) Insert a new Section 4 to read as follows:

SECTION 4. OPTIONAL RETIREMENT CONTRIBUTIONS. Instead of the rates of contributions required by Section 36.201, Title 110B, Revised Statutes, the rate of state contributions to the optional retirement program for the fiscal years beginning September 1, 1983, and September 1, 1984, is 8-1/2 percent of the aggregate annual compensation of all participants in the program during the fiscal year, and the rate of participant contributions to the optional retirement program for the fiscal years beginning September 1, 1983, and September 1, 1984, is 6.65 percent of each participant's annual compensation for the fiscal year.

(2) Renumber current Sections 4 and 5 of the bill as Sections 5 and 6.

The amendments were read.

Senator Jones moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 19, Nays 10.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Lyon, Montford, Santiesteban, Sharp, Sims, Traeger, Uribe, Vale, Whitmire.

Nays: Doggett, Henderson, Kothmann, Mauzy, McFarland, Parmer, Sarpalius, Truan, Washington, Williams.

Absent: Leedom, Parker.

SENATE BILL 428 WITH HOUSE AMENDMENT

Senator Caperton called **S.B. 428** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Committee Amendment No. 1 - G. Hill

Amend **S.B. 428** by striking Section 95.33 of SECTION 1 in its entirety and substituting the following in lieu thereof:

Section 95.33. Management of Property

The board of regents of the Texas State University System ~~[shall have]~~ has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, ~~[universities under its authority]~~ the Texas State University System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under ~~[the]~~ terms and conditions the board deems best for the interest of the ~~[university that has acquired the land]~~ Texas State University System, not in conflict with the constitution. However, the ~~[land]~~ land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years.

The amendment was read.

Senator Caperton moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1278 WITH HOUSE AMENDMENT

Senator Farabee called **S.B. 1278** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Floor Amendment No. 1 - Hury

Amend **S.B. 1278** on line 18 of the first page by inserting after the date September 1, 1983, the words "and ending August 31, 1985".

The amendment was read.

Senator Farabee moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nay 0.

SENATE BILL 669 WITH HOUSE AMENDMENT

Senator Farabee called **S.B. 669** from the President's table for consideration of the House amendment to the bill:

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Khoury

Substitute the following for S.B. 669:

**A BILL TO BE ENTITLED
AN ACT**

relating to juvenile court orders affecting parents and others, including restitution by the parent or child to the victim of an offense or voluntary community service restitution by the child, and to liability of cities, towns, and counties for certain causes of action that arise from juvenile restitution programs; authorizing insurance protection and inclusion of the child in workers' compensation benefits; amending the Family Code, as amended, by amending Subsection (d), Section 54.04; Subsections (a) and (b), Section 54.041; and adding Subsection (d) to Section 53.03; and amending Subdivision (2), Section 1, Article 8309h, Revised Statutes, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 53.03 of the Family Code, is amended by adding Subsection (d) to read as follows:

"(d) An informal adjustment authorized by this section may involve:

"(1) voluntary restitution by the child or his parent to the victim of an offense; or

"(2) voluntary community service restitution by the child."

SECTION 2. Subsection (d), Section 54.04, Family Code, as amended, is amended to read as follows:

"(d) If the court makes the finding specified in Subsection (c) of this section, it may:

"(1) place the child on probation on such reasonable and lawful terms as the court may determine for a period not to exceed one year, subject to extensions not to exceed one year each:

"(A) in his own home or in the custody of a relative or other fit person;

"(B) in a suitable foster home; or

"(C) in a suitable public or private institution or agency, except the Texas Youth Council; and

"(D) the juvenile court, on notice to the child and on hearing, may order the child to make full or partial restitution to the victim of the offense according to the provisions of Subsection (b), Section 54.041, Family Code. ~~[An order under this subsection may provide for periodic payments by the child for the period specified in the order not to exceed five years after the 18th birthday of the child. If the child is unable to make full or partial restitution or if a restitution order is not appropriate under the circumstances, the court may order the child to render personal services to a charitable or educational institution in the manner prescribed in the court order in lieu of restitution. The victim of an offense is not entitled to receive more than actual damages under a juvenile court order.]~~

"(2) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct, the court may commit the child to the Texas Youth Council."

SECTION 3. Subsections (a) and (b), Section 54.041, Family Code, as amended, are amended to read as follows:

"(a) When a child has been found to have engaged in delinquent conduct or conduct indicating a need for supervision and the juvenile court has made a finding that the child is in need of rehabilitation or that the protection of the public or the child requires that disposition be made, the juvenile court, on notice by any reasonable method to all persons affected, may:

"(1) order any person found by the juvenile court to have, by a wilful act or omission, contributed to, caused, or encouraged the child's delinquent conduct or

conduct indicating a need for supervision to do any act that the juvenile court determines to be reasonable and necessary for the welfare of the child or to refrain from doing any act that the juvenile court determines to be injurious to the welfare of the child; or

“(2) enjoin all contact between the child and a person who is found to be a contributing cause of the child’s delinquent conduct or conduct indicating a need for supervision.

“(b) If a child is found to have engaged in delinquent conduct arising from the commission of an offense in which property damage or loss or personal injury occurred, the juvenile court, on notice to all persons affected and on hearing, may order the child or a parent to make full or partial restitution to the victim of the offense. The program of restitution must promote the rehabilitation of the child, be appropriate to the age and physical, emotional, and mental abilities of the child, and not conflict with the child’s schooling. When practicable and subject to court supervision, the court may approve a restitution program based on a settlement between the child and the victim of the offense. An order under this subsection may provide for periodic payments by the child or a parent of the child for the period specified in the order but that period may not extend past ~~to exceed five years after~~ the 18th birthday of the child. If the child or parent is unable to make full or partial restitution or if a restitution order is not appropriate under the circumstances, the court may order the child to render personal services to a charitable or educational institution in the manner prescribed in the court order in lieu of restitution. Restitution under this section is cumulative of any other remedy allowed by law and may be used in addition to other remedies; except that a victim of an offense is not entitled to receive more than actual damages under a juvenile court order. A city, town, or county that establishes a program to assist children in rendering personal services to a charitable or educational institution as authorized by this subsection may purchase insurance policies protecting the city, town, or county against claims brought by a person other than the child for a cause of action that arises from an act of the child while rendering those services. The city, town, or county is not liable under this Act to the extent that damages are recoverable under a contract of insurance or under a plan of self-insurance authorized by statute. The liability of the city, town, or county for a cause of action that arises from an action of the child while rendering those services may not exceed \$100,000 to a single person and \$300,000 for a single occurrence in the case of personal injury or death, and \$10,000 for a single occurrence of property damage. Liability may not extend to punitive or exemplary damages. This subsection does not waive a defense, immunity, or jurisdictional bar available to the city, town, or county or its officers or employees, nor shall this Act be construed to waive, repeal, or modify any provision of the Texas Tort Claims Act, as amended (Article 6252-19, Vernon’s Texas Civil Statutes).”

SECTION 4. Subdivision (2), Section 1, Article 8309h, Revised Statutes, as amended, is amended to read as follows:

“(2) ‘Employee’ means every person in the service of a political subdivision who has been appointed in accordance with the provisions of the article. No person in the service of a political subdivision who is paid on a piecework basis or on a basis other than by the hour, day, week, month, or year shall be considered an employee and entitled to compensation under the terms of the provisions of this article. Provided, however, a political subdivision may cover volunteer firefighters, policemen, emergency medical personnel, and other volunteers that are specifically named who shall be entitled to full medical benefits and the minimum compensation payments provided under the law. A political subdivision may cover an elected official as an employee by a majority vote of the members of the governing body of the political subdivision. A political subdivision may cover

children who are in a program established by the political subdivision to assist children in rendering personal services to a charitable or educational institution as authorized by Subsection (b), Section 54.041, Family Code. Members of a self-insurance fund created hereunder may provide coverage for themselves as well as their staff by a majority vote of such members of the fund. No class of persons who are paid as a result of jury service or an appointment to serve in the conduct of elections may be considered employees under this article unless declared to be employees by a majority vote of the members of the governing body of a political subdivision."

SECTION 5. This Act applies only to a child's conduct that occurs and civil liability for a cause of action that arises on or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 1983.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Th amendment was read.

Senator Farabee moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 1190 WITH HOUSE AMENDMENT

Senator Farabee called **S.B. 1190** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - M. Garcia

Substitute the following for **S.B. 1190**:

A BILL TO BE ENTITLED AN ACT

relating to notice of lawsuit in which the State of Texas or any State agency is a party and notice of intent to take default judgments against the State of Texas or any State agency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. SERVICE OF PLEADINGS IN WHICH STATE IS PARTY. The Attorney General of Texas shall be provided with a true and correct copy of any original petition in which the State of Texas or any State agency is named as a party promptly upon filing of the petition. All such petitions shall be delivered to the Attorney General at his office in Austin, Texas, by U.S. Postal Service, certified or registered mail, return receipt requested.

SECTION 2. DEFAULT JUDGMENTS AGAINST THE STATE OF TEXAS.

Notice of intent to take a default judgment against the State of Texas or any State agency shall be served upon the Attorney General at his office in Austin, Texas, by U.S. Postal Service, certified or registered mail, return receipt requested at least 10 days prior to the date of the proposed default judgment, otherwise such default judgment shall be void.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Farabee moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 1190 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Farabee, Chairman; Harris, Glasgow, Caperton and McFarland.

SENATE BILL 318 WITH HOUSE AMENDMENT

Senator Harris called S.B. 318 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Committee Amendment No. 1 - Messer

Amend S.B. 318 by adding the following section preceding the emergency clause and renumbering the emergency clause:

Section 12. Section 1.201(4), Business and Commerce Code, is amended to read as follows:

(4) "Bank" means any person engaged in the business of banking and solely for the purposes of Sections 3 and 4 of this Act includes any depository institution as defined by federal law.

The amendment was read.

Senator Harris moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 878 WITH HOUSE AMENDMENT

Senator Brooks called S.B. 878 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Committee Amendment No. 1 - Kemp

Amend S.B. 878 as follows:

(1) On page 1, strike lines 15 and 16 and substitute the following:

"SECTION 2. Section 71.04, Family Code, is amended by amending Subsections (b) and (d) and by adding Subsection (e) to read as follows:"

(2) On page 1, line 20, strike "or" and substitute "[or]".

(3) On page 1, strike lines 23 and 24 and substitute the following:

"(3) any prosecuting attorney who serves the county in which the application is to be filed and who represents the state in a district or statutory county court, for the protection of any person alleged to be a victim of family violence."

(4) On page 2, add the following between lines 8 and 9:

"(e) If the application is filed by a prosecuting attorney under Subsection (b)(3) of this section, the court may assess a reasonable attorney's fee as

compensation for the services of the prosecuting attorney. The attorney's fee may be assessed against the party represented by the attorney or against any other party who is found to have committed family violence. In setting the amount of the fee, the court shall consider the income and ability to pay of the person against whom the fee is assessed. The amount of fees collected under this section shall be paid to the credit of the county fund from which the salaries of employees of the prosecuting attorney are paid or supplemented."

The amendment was read.

Senator Brooks moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 336 WITH HOUSE AMENDMENT

Senator Uribe called S.B. 336 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Floor Amendment No. 1 - Shaw

Amend S.B. 336 on page 3, between lines 18 and 19, by inserting the following:

(c) In providing for, establishing, or operating a vocational training school in the district, the board of directors may not take any action that will adversely affect services provided by the district to handicapped scholastics.

The amendment was read.

Senator Uribe moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 377 WITH HOUSE AMENDMENT

Senator Doggett called S.B. 377 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Floor Amendment No. 1 - Oliver

Amend S.B. 377 by renumbering Section 2 as Section 3 and inserting a new Section 2 to read as follows:

SECTION 2. To avoid unnecessary expenditure of state funds, the Department of Mental Health and Mental Retardation shall, to the extent possible, make necessary modifications of signs at facilities renamed by this Act as part of its ordinary maintenance program.

The amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1006 WITH HOUSE AMENDMENT

Senator Mauzy called S.B. 1006 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Watson

Substitute the following for S.B. 1006:

**A BILL TO BE ENTITLED
AN ACT**

relating to coverage of state employees working outside of the state and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (b) and (c), Section 17, Article 8309g, Revised Civil Statutes of Texas, 1925, are repealed.

SECTION 2. Subsection (a), Section 17, Article 8309g, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

[(a)] Notwithstanding Section 19, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, an employee who performs services outside this state is entitled to benefits under this article even if the person is hired or not hired in this state, does not work in this state, works both in this state and out of state, is injured outside this state, or has been outside this state for more than one year. An employee who elects to pursue remedies provided by the state or the District of Columbia in which an injury occurs is not entitled to benefits under this article.

SECTION 3. This Act takes effect September 1, 1983.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the rule is hereby suspended.

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT
HOUSE JOINT RESOLUTION 19**

Senator Parker submitted the following Conference Committee Report:

Austin, Texas
May 19, 1983

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.J.R. 19 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PARKER
VALE
JONES
CAPERTON
McFARLAND
On the part of the Senate

DELCO
MESSER
BERLANGA
JACKSON
GAVIN
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

HOUSE BILL 1054 ON SECOND READING

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1054, Relating to the regulation of credit unions; providing penalties.

The bill was read second time and was passed to third reading.

HOUSE JOINT RESOLUTION 22 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.J.R. 22, Proposing a constitutional amendment relating to the per diem for members of the legislature.

The resolution was read second time and was passed to third reading.

HOUSE JOINT RESOLUTION 22 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.J.R. 22** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Edwards, Lyon, Sharp, Sims, Washington.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Edwards, Lyon, Sharp, Sims.

HOUSE BILL 965 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 965, Relating to the authority of a commissioners court of a county to impose a fee for registering a vehicle in the county.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **H.B. 965** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 6.

Yeas: Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Whitmire, Williams.

Nays: Doggett, Kothmann, Mauzy, Truan, Vale, Washington.

Absent: Caperton, Parker, Uribe.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Amend H.B. 965 as follows:

(1) On page 3, line 25, renumber SECTION 4 of the bill as "SECTION 7".

(2) On page 3, after line 24 and before line 25, insert the following:

SECTION 4. Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), is amended by adding Subsection (a-1) to read as follows:

"(a-1) Notwithstanding the provisions of subsection (a) above, when a motor vehicle is required to be registered as a prerequisite to the acceptance of an application for certificate of title, the owner thereof may concurrently file an application for certificate of title and apply for the registration of such motor vehicle through the County Tax Collector in the county of his domicile or the county in which the vehicle is purchased or encumbered provided, however, that all subsequent registrations of the motor vehicle by such owner must be obtained through the County Tax Collector of the county in which the owner resides."

SECTION 5. Section 27, Certificate of Title Act as amended (Article 6687-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Section 27. APPLICATION FOR CERTIFICATE OF TITLE BEFORE SALE. Before selling or disposing of any motor vehicle required to be registered or licensed in this State on any highway or public place within this State, except with dealer's metal or cardboard license number thereto attached as now provided by law, the owner shall make application to the designated agent in the county of his domicile or the county in which the vehicle is purchased or encumbered upon form to be prescribed by the Department for a certificate of title for such motor vehicle."

"SECTION 6. Section 2, Chapter 364, General Laws, Acts of the 50th Legislature, 1947 (Article 6687-6, Vernon's Texas Civil Statutes), is amended to read as follows:

"The current year registration license receipt and the properly assigned Certificate of Title or other evidence of title required to be delivered to the transferee of a used or secondhand vehicle under the terms of Article 6687-5, Revised Civil Statutes of Texas, 1925, as amended, shall be filed by the transferee within twenty (20) working days of the date of transfer with the County Tax Assessor-Collector [~~of the county in which the transferee resides~~] as an application for transfer of title as required under the Certificate of Title Act, as amended (Article 6687-1, Vernon's Texas Civil Statutes), and as an application for transfer of license and in addition to the fees required under the Certificate of Title Act, as amended (Article 6687-1, Vernon's Texas Civil Statutes), for the transfer of title there shall be paid a transfer fee of fifty cents (50¢) for the transfer of registration; provided that if said transferee does not file said applications within twenty (20) working days a penalty or fee of Five Dollars (\$5) shall be paid upon the filing of such application and such penalty shall be collected for each vehicle upon application filed by the transferee. The Tax Assessor-Collector and his bondsmen shall be liable for the penalty herein provided in the event such penalty is not collected. For his services under this Act the County Tax Assessor-Collector shall retain as commission one-half (1/2) of fees collected for transfer of registration and one-half (1/2) of any penalties collected for delinquent filing of applications and the other one-half (1/2) such fees and penalties shall be reported to and remitted

to the State Department of Highways and Public Transportation on Monday of each week as other registration fees are now required to be reported and remitted. Upon receipt of an application for transfer of Certificate of Title and registration the application for transfer of title shall be handled by the Tax Assessor-Collector as provided under the Certificate of Title Act, as amended (Article 6687-1, Vernon's Texas Civil Statutes), and in addition the Department shall issue or cause to be issued a transfer of registration receipt on the application for transfer of registration. The Department may promulgate such reasonable rules and regulations and prescribe such forms as it shall deem necessary to carry out the orderly operation of this Act. It is expressly provided that upon the transfer of any vehicle from one person to another in the State of Texas, all papers or documents relating to or supporting transfer of registration and/or Certificate of Title shall be executed in full and dated as of the date of such transfer, and any person who shall transfer a vehicle and execute such papers or documents as provided for herein wholly or partly in blank leaving out any information that is required to be furnished, shall be guilty of a misdemeanor and shall be fined in any sum not less than Fifty Dollars (\$50) and not exceeding Two Hundred Dollars (\$200). It is further provided that any transferee who accepts transfer papers as herein provided executed wholly or partly in blank or any person who alters, changes, or mutilates such transfer papers, or whoever violates any provision of this Section for which no specific penalty is provided shall be guilty of a misdemeanor and shall be fined in any sum not less than Fifty Dollars (\$50) nor exceeding Two Hundred Dollars (\$200). In this Article, the term 'working day' means any day except Saturday, Sunday, or a holiday on which county offices are closed."

The committee amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

RECORD OF VOTES

Senators Mauzy and Washington asked to be recorded as voting "Nay" on the passage of the bill to third reading.

MOTION TO PLACE HOUSE BILL 965 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 965 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 23, Nays 6. (Not receiving four-fifths vote of the Members present)

Yeas: Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Whitmire, Williams.

Nays: Doggett, Kothmann, Mauzy, Truan, Vale, Washington.

Absent: Caperton, Uribe.

HOUSE BILL 1056 ON SECOND READING

Senator Glasgow asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1056, Relating to specific enforcement of agreements to arbitrate future disputes.

There was objection.

Senator Glasgow then moved to suspend the regular order of business and take up **H.B. 1056** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Washington, Whitmire, Williams.

Nays: Doggett, Mauzy, Truan, Vale.

Absent: Traeger, Uribe.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1056 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1056** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Whitmire, Williams.

Nays: Doggett, Mauzy, Truan, Vale, Washington.

Absent: Traeger, Uribe.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Washington, Whitmire, Williams.

Nays: Doggett, Mauzy, Truan, Vale.

Absent: Traeger, Uribe.

HOUSE BILL 149 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 149, Relating to bidding procedures under the state employees group insurance program.

The bill was read second time and was passed to third reading.

HOUSE BILL 149 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 149** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

HOUSE BILL 844 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 844, Relating to membership in and payment of premiums for insurance coverage under the Texas employees uniform group insurance program.

The bill was read second time and was passed to third reading.

HOUSE BILL 844 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 844** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

HOUSE BILL 1792 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1792, Relating to the administration of public employee benefit programs.

The bill was read second time and was passed to third reading.

HOUSE BILL 1792 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1792** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 846 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 846, Relating to certain oil and gas security interests and product liens.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend **C.S.H.B. 846** in the following manner:

1. On page 7, add a new subsection (p) with the following language:

(p) The security interest created under Section 9.319(a) and (b) shall not apply to proceeds of gas production which have been withheld, in cash or account form, by a purchaser under the provisions of Texas Tax Code Annotated Section 201.204 (c).

2. On pages 7 and 8, delete Subsection (p) in its entirety and substitute the following language therefor:

(q) In this section:

(1) "Oil and gas production" means any oil, natural gas, condensate of either, natural gas liquids, other gaseous, liquid, or dissolved hydrocarbons, sulfur, or helium, or other substance produced as a by-product or adjunct to their production, or any combination of these, which is severed, extracted, or produced from the ground, the seabed, or other submerged lands within the jurisdiction of the State of Texas. Any such substance, including recoverable or recovered natural gas liquids, which is transported to or in a natural gas pipeline or natural gas gathering system, or otherwise transported or sold for use as natural gas, or is transported or sold for the extraction of helium or natural gas liquids is "gas production". Any such substance which is transported or sold to persons and for purposes not included in the foregoing natural gas definition is oil production.

(2) "Interest owner" means a person owning an entire or fractional interest of any kind or nature in oil or gas production at the time of severance, or a person who has an express, implied or constructive right to receive a monetary payment determined by the value of oil or gas production or by the amount of production.

(3) "First purchaser" means the first person that purchases oil or gas production from an operator or interest owner after the production is severed.

(4) An "operator" is a person engaged in the business of severing oil or gas production from the ground, whether for himself alone, for other persons alone, or for himself and others.

The amendment was read and was adopted.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 846 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 846** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon,

McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Mauzy, Washington.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 886 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 886, Relating to a dealer's return of farm and industrial equipment to a supplier after the termination of certain franchises.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 886** by inserting "new or unused" between the words inventory and means on line 2, page 2.

The amendment was read and was adopted.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 886** by adding the following after the word dealer on line 6, page 3, "and after the dealer has furnished proof that the inventory was purchased from the supplier".

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 886 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 886** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1954 ON SECOND READING

Senator Doggett asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1954, Relating to reporting requirements imposed on a person having custody of a prisoner who dies while in custody; providing a penalty.

There was objection.

Senator Doggett then moved to suspend the regular order of business and take up **H.B. 1954** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Howard, Leedom, Sarpalius, Sharp.

The bill was read second time and was passed to third reading.

HOUSE BILL 1954 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1954** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Howard, Leedom, Sarpalius, Sharp, Washington.

(Senator Doggett in Chair)

The bill was read third time and was passed.

RECORD OF VOTES

Senators Howard and Montford asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 1678 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1678, Relating to the hours of sale and consumption of alcoholic beverages.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Howard, Jones, Montford and Williams asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1678 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1678** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland,

Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire.

Nays: Howard, Jones, Montford, Sarpalius, Washington, Williams.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Howard, Jones, Montford, Sarpalius and Williams asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 197 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 197, Relating to the period during which a suit against an alleged father of an illegitimate child may be brought to establish paternity.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **H.B. 197** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire.

Nays: Brown, Glasgow, Howard, Leedom, Williams.

Absent: Washington.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Glasgow and Howard asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 197 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 197** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Blake, Brooks, Doggett, Edwards, Farabee, Harris, Henderson, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Vale, Whitmire.

Nays: Brown, Glasgow, Howard, Leedom, Williams.

Absent: Caperton, Uribe, Washington.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 5. (Same as previous roll call)

HOUSE BILL 1178 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1178, Relating to presentence investigations and reports in criminal cases.

POINT OF ORDER

Senator Montford raised the Point of Order against further consideration of the bill because a copy of the bill was not in the Senators' bill books.

The Presiding Officer sustained the Point of Order.

On motion of Senator Farabee and by unanimous consent, the motion to suspend regular order was withdrawn.

HOUSE BILL 464 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 464, Relating to coordination of benefits between certain insurance policies.

The bill was read second time and was passed to third reading.

HOUSE BILL 464 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 464** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Caperton, Harris, Uribe, Washington.

The bill was read third time and was passed.

SENATE RULE 103 SUSPENDED

On motion of Senator Blake and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider **H.C.R. 253** today.

SENATE RULE 103 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider the following bills at 9:00 o'clock a.m. tomorrow:

H.B. 2289

H.B. 2174

H.B. 1538

SENATE RULE 103 SUSPENDED

On motion of Senator Traeger and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider **H.B. 1157** at 3:00 o'clock p.m. today.

SENATE RULE 103 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Health and Human Resources might consider **H.B. 1299** upon adjournment today.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider the following bills today:

H.B. 1502

H.B. 1613

RECESS

On motion of Senator Mauzy, the Senate at 12:10 o'clock p.m. took recess until 1:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 1:30 o'clock p.m. and was called to order by the President.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 15	S.B. 1143
S.C.R. 27	S.B. 1152
S.C.R. 77	S.B. 1192
S.C.R. 99	S.B. 1194
S.C.R. 108	S.B. 1217
S.C.R. 110	S.B. 1245
S.C.R. 130	S.B. 1282
S.B. 82	S.B. 1291
S.B. 100	S.B. 1292
S.B. 133	S.B. 1312
S.B. 148	S.B. 1345
S.B. 156	S.B. 1358
S.B. 242	S.B. 1359
S.B. 311	S.B. 1402
S.B. 354	H.C.R. 85
S.B. 376	H.C.R. 97
S.B. 407	H.C.R. 105
S.B. 512	H.C.R. 118
S.B. 547	H.C.R. 121
S.B. 563	H.C.R. 134
S.B. 653	H.C.R. 135
S.B. 728	H.C.R. 137
S.B. 738	H.C.R. 146
S.B. 765	H.C.R. 149
S.B. 843	H.C.R. 154
S.B. 856	H.C.R. 225
S.B. 872	H.C.R. 241
S.B. 892	H.B. 2161
S.B. 901	H.B. 2183
S.B. 906	H.B. 2226

S.B. 963	H.B. 2301
S.B. 975	H.B. 2306
S.B. 1025	H.B. 2307
S.B. 1033	H.B. 2320
S.B. 1047	H.B. 2369
S.B. 1137	

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

H.J.R. 88, To Committee on Finance.
H.J.R. 97, To Committee on State Affairs.
H.B. 24, To Committee on Jurisprudence.
H.B. 441, To Committee on State Affairs.
H.B. 940, To Committee on Finance.
H.B. 1015, To Committee on Intergovernmental Relations.
H.B. 1075, To Committee on State Affairs.
H.B. 1253, To Committee on Natural Resources.
H.B. 1383, To Committee on Intergovernmental Relations.
H.B. 1546, To Committee on Finance.
H.B. 1630, To Committee on Jurisprudence.
H.B. 1699, To Committee on Education.
H.B. 2233, To Committee on State Affairs.
H.B. 2316, To Committee on Jurisprudence.
H.B. 2436, To Committee on Finance.

(Senator Glasgow in Chair)

SENATE RULE 103 SUSPENDED

On motion of Senator Mauzy and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Jurisprudence might consider the following bills today:

H.B. 1186
S.B. 1437

(President in Chair)

HOUSE BILL 1936 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1936, Relating to the licensing of veterinarians in Texas.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1936 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1936** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Mauzy, Washington.

Absent: Harris.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Mauzy.

Absent: Harris.

HOUSE BILL 283 ON SECOND READING

On motion of Senator Vale and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 283, Relating to the possession and delivery of certain volatile chemicals; providing penalties.

The bill was read second time.

Senator Vale offered the following committee amendment to the bill:

Amend Section 4 (a) page 3 line 5 by adding the words "concerning precautions against inhalation" after the word "requirements" and before the word "established".

The committee amendment was read and was adopted.

On motion of Senator Vale and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 283 ON THIRD READING

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 283** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: Harris.

The bill was read third time and was passed.

SENATE BILL 924 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 924, Relating to unfair claim settlement practices by certain self-insurers.

The bill was read second time and was passed to engrossment.

SENATE BILL 924 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 924** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: Harris.

The bill was read third time and was passed.

HOUSE BILL 1475 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1475, Relating to the authority of a county to issue bonds for a public library.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Howard asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1475 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1475** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Howard, Washington.

Absent: Harris.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Howard.

Absent: Harris.

HOUSE BILL 1731 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1731, Relating to the establishment of a Texas Trails System.

The bill was read second time and was passed to third reading.

HOUSE BILL 1731 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 1731 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: Harris.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Harris.

HOUSE BILL 1345 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1345, Relating to the regulation of pipeline transportation of hazardous liquids and the regulation of hazardous liquid pipeline facilities; providing penalties.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1345 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 1345 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Mauzy, Washington.

Absent: Harris.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Mauzy.

Absent: Harris.

HOUSE JOINT RESOLUTION 105 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.J.R. 105, Proposing a constitutional amendment to replace the limitation on the value of an urban homestead with a limitation based on size.

The resolution was read second time and was passed to third reading.

HOUSE JOINT RESOLUTION 105 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.J.R. 105 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: Harris.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Harris.

HOUSE JOINT RESOLUTION 73 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.J.R. 73, Proposing a constitutional amendment to permit use of public funds and credit for payment of premiums on certain insurance policies and annuity contracts of mutual insurance companies.

The resolution was read second time and was passed to third reading.

HOUSE JOINT RESOLUTION 73 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.J.R. 73 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Washington.

Absent: Harris.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Blake.

Absent: Harris.

MESSAGE FROM THE HOUSE

House Chamber
May 24, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 11, Granting CFW Construction Company permission to sue the State.

S.C.R. 24, Granting Great Southwest Construction Corporation permission to sue the State of Texas and the Texas A&M University System.

S.C.R. 46, Granting Titan Group, Inc., permission to sue the Trinity River Authority of Texas.

S.C.R. 49, Granting Mark Homes, Inc., permission to sue the State of Texas, the Texas Alcoholic Beverage Commission and the treasurer of the State of Texas.

S.C.R. 51, Granting Jose R. Villarreal permission to sue the State of Texas and the Texas Department of Human Resources.

S.C.R. 65, Granting William E. Anderson permission to sue the State.

S.C.R. 66, Relating to adopting the definition of autism and other pervasive developmental disorders as stated in the third edition of the Diagnostic and Statistical Manual.

S.C.R. 68, Requiring Individual Educational Plans for students with autism or other pervasive development disorders.

H.C.R. 214, Granting Alonzo Benavides permission to sue the State of Texas and the Texas Department of Public Safety.

H.C.R. 217, Granting Juanita Coker permission to sue the State of Texas and The University of Texas System.

H.C.R. 229, Granting Southern State Exploration, Inc., permission to sue the the State of Texas and the General Land Office.

H.C.R. 230, Granting Maria G. Gonzales, Gutierrez Gonzales Venture, and others permission to sue the State of Texas and the General Land Office.

S.C.R. 109, Granting Lucy and August Sheldon permission to sue the State of Texas and the State Department of Highways and Public Transportation.

H.C.R. 236, Directing the Houston Metropolitan Transit Authority to purchase buses manufactured in this State.

H.C.R. 238, Granting John B. McDonald, Jerry Calhoun, J. Christopher Kolstad, Bobby Reed and Joe Cannon permission to sue the State of Texas and the General Land Office.

H.C.R. 251, Granting Shafer Plumbing and Heating, Inc., permission to sue the State of Texas and the Texas State University System.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 2006 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2006, Relating to replacing the limitation on the value of an urban homestead with a limitation based on size.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend **H.B. 2006** by amending SECTION 1, line 37 to read as follows:
"amendment proposed by **H.J.R. 105**, 68th Legislature, Regular"

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 2006 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2006** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: Harris.

The bill was read third time and was passed.

(Senator Traeger in Chair)

MOTION TO PLACE HOUSE BILL 178 ON SECOND READING

Senator Uribe moved to suspend the regular order of business to take up for consideration at this time:

H.B. 178, Relating to the location of and acquisition of land and facilities by the Texas State Technical Institute and to the administration of the Hidalgo County campus.

The motion was lost by the following vote: Yeas 17, Nays 11. (Not receiving two-thirds vote of the Members present)

Yeas: Brooks, Caperton, Doggett, Edwards, Kothmann, Lyon, Montford, Parker, Parmer, Santiesteban, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Brown, Farabee, Glasgow, Henderson, Howard, Jones, Leedom, Mauzy, McFarland, Sims.

Absent: Harris, Sarpalius, Sharp.

HOUSE BILL 784 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 784, Relating to sick leave for public school teachers.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **H.B. 784** by adding the sentence at the end of the new Subsection (f), Section 13.904 to read as follows:

“The period provided in this subsection shall not extend more than two years beyond the date of the assault.”

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 784 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 784** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: Harris.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Harris.

FLOOR PRIVILEGES GRANTED

On motion of Senator Doggett and by unanimous consent, privileges of the floor were granted to David A. Talbot, Jr., Chief, Consumer Protection Division, Attorney General's Office, in order that he might sit at Senator Doggett's desk during discussion of C.S.S.B. 1414.

COMMITTEE SUBSTITUTE SENATE BILL 1414 ON SECOND READING

Senator Doggett asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1414, Relating to regulation of nursing and convalescent homes and related institutions and the administration of the medical assistance program in those institutions and to fraud and other violations committed under that program; providing penalties.

There was objection.

Senator Doggett then moved to suspend the regular order of business and take up **C.S.S.B. 1414** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Kothmann, Leedom, Lyon, Mauzy, Montford, Parker, Santiesteban, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Sharp, Sims.

Absent: McFarland, Parmer, Sarpalius.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1414** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 32.003, Human Resources Code, is amended to read as follows:

Sec. 32.003. DEFINITIONS [~~DEFINITION~~ ~~OF~~ ~~MEDICAL ASSISTANCE~~]. In this chapter:

(1) "Benefit" means a benefit authorized by this chapter.

(2) "Claim" means any communication whether oral, written, electronic, or by electronic or magnetic impulse that is used to identify an item, good, or service as reimbursable under the medical assistance program, or that states revenue and expense and is or may be used to determine a rate of payment under the medical assistance program.

(3) “Intentionally” has the meaning assigned by Section 6.03(a), Penal Code.

(4) “Knowingly” has the meaning assigned by Section 6.03(b), Penal Code.

(5) “Person” means an individual, corporation, association, or other public or private entity.

(6) “Medical assistance program” means the program authorized by Title XIX, Social Security Act, and this chapter.

(7) “Medical assistance program records” means:

(A) any medical, professional, or business records relating to:

(i) the treatment or care of a recipient;

(ii) an item, good, or service provided to a recipient; or

(iii) the rate paid for a good or service; and

(B) any records required by a regulation of the medical assistance program.

(8) “Provider of medical assistance” means an individual, corporation, association, or other public or private entity that participates or has applied for participation in the medical assistance program to provide items, goods, or services.

(9) “Recipient” means an individual who receives or has received benefits under this chapter. [“medical assistance” includes all of the health care and related services and benefits authorized or provided under federal law for needy individuals of this state.]

SECTION 2. Section 32.032, Human Resources Code, is amended to read as follows:

Sec. 32.032. PREVENTION AND DETECTION OF FRAUD. (a) The department shall adopt reasonable rules for minimizing the opportunity for fraud, for establishing and maintaining methods for detecting and identifying situations in which a question of fraud in the program may exist, and for referring cases where fraud appears to exist to the appropriate law enforcement agencies for prosecution.

(b) The attorney general’s office shall investigate:

(1) an allegation of fraud in:

(A) the administration of the medical assistance program;

(B) the provision of medical assistance; or

(C) the activities of a provider of medical assistance under this

chapter; and

(2) a complaint alleging abuse or neglect of a patient in a health care facility receiving funds under this chapter.

(c) The attorney general’s office may initiate investigations and prosecute any civil or criminal action authorized by this chapter. The authority given the attorney general by this section does not deny or limit the duty and authority of the attorney general as authorized by the constitution, statutory law, or common law.

SECTION 3. Section 32.034(b), Human Resources Code, is amended to read as follows:

(b) The department may not terminate a contract during the pendency of a hearing under this section. The department may withhold payments during the pendency of a hearing, but the department shall pay the withheld payments and resume contract payments if the final determination is favorable to the contractor. During the pendency of a hearing under this section, a sale, lease, or lease-purchase agreement entered by the contractor for the purpose of effectuating new ownership of the institution does not affect the department’s ability to withhold payments from the original contractor during the pendency of the hearing.

SECTION 4. Chapter 32, Human Resources Code, is amended by adding Sections 32.038, 32.039, and 32.040 to read as follows:

Sec. 32.038. DUTY OF COST REPORT PREPARER. (a) A person who is an owner or an employee of a provider of medical assistance and who prepares a cost report required by state or federal law or by rule to be submitted to the department for administration of the medical assistance program must sign the report and must certify that the report is true, accurate, and complete and has been prepared in accordance with all applicable law.

(b) Any other person who prepares such a cost report must certify that the report has been prepared in accordance with all applicable law.

Sec. 32.039. WITHHOLDING OF PAYMENTS. (a) The department may withhold all or a portion of medical assistance payments to a provider of medical assistance if:

(1) the department determines that the provider of medical assistance has committed fraud or abuse in the program;

(2) the department determines that overpayments have been made to the provider of medical assistance; or

(3) the department or a court of competent jurisdiction determines that an institutional provider of medical assistance is in material noncompliance with a state health and safety law or a rule of the state licensing agency.

(b) If the department withholds medical assistance funds under Subsection (a) of this section, it shall deduct the amount of withheld funds from the payment to which the provider of medical assistance would otherwise be entitled, and the provider is entitled to receive the difference.

(c) The department shall adopt reasonable rules to administer this section.

Sec. 32.040. ACCESS TO RECORDS. (a) The department, the Medicaid fraud control unit of the attorney general's office, and the Texas Department of Health are entitled to have access to, and may examine, copy, or take possession of any record, book, document, or other information that relates to the payment for or provision of assistance, services, or benefits under the medical assistance program.

(b) If the department determines that a provider of medical assistance has denied the department, the Medicaid fraud control unit, or the Texas Department of Health access to information to which it is entitled to have access under Subsection (a) of this section, the department shall immediately place the provider of medical assistance on vendor hold. The department may terminate participation in the medical assistance program for withholding information after reasonable notice and an opportunity for a fair hearing before an administrative panel of the department as prescribed by Section 32.034 of this code.

SECTION 5. Chapter 32, Human Resources Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. CRIMINAL AND CIVIL SANCTIONS

Sec. 32.101. FRAUD. (a) A person commits an offense if the person knowingly or intentionally, by act or omission:

(1) makes or causes to be made a statement or representation the person knows to be false in a claim for payment or an application for a benefit under this chapter;

(2) conceals or fails to disclose a fact or event affecting the person's initial or continued right, or the initial or continued right of another person in whose behalf the person has applied, to a benefit or payment under this chapter;

(3) makes or causes to be made a statement or representation the person knows to be false in obtaining or seeking to obtain authorization to provide goods or services under this chapter;

(4) makes or causes to be made a statement or representation the person knows to be false for use by another in obtaining or providing goods or services under this chapter;

(5) makes or causes to be made a statement or representation the person knows to be false with respect to the condition or operation of an institution or facility to qualify the institution or facility as a provider of medical assistance on initial certification or recertification; or

(6) makes or causes to be made a statement or representation the person knows to be false to qualify the person as a provider of medical assistance.

(b) An offense under this section is a felony of the third degree.

Sec. 32.102. REMUNERATION. (a) A person commits an offense if he knowingly or intentionally solicits, receives, offers, or pays any remuneration, directly or indirectly, in cash or in kind, in return for:

(1) referring or inducing a person to refer an individual to a provider of medical assistance; or

(2) providing, attempting to provide, or inducing a person to provide or attempt to provide, an item, good, service, or facility for which payment may be made under this chapter.

(b) A person commits an offense if he knowingly or intentionally solicits, charges, or receives any remuneration from a recipient or family member of a recipient as:

(1) a precondition for supplying medical assistance for which payment is made under this chapter; or

(2) a requirement for continuing care for which payment is made under this chapter.

(c) It is a defense to prosecution under Subsection (a) of this section that the remuneration is a refund or discount made in the ordinary course of business and is reflected by the books and records of the person.

(d) An offense under this section is a felony of the third degree.

Sec. 32.103. DESTRUCTION OF RECORDS AND FAILURE TO MAINTAIN RECORDS. (a) A person commits an offense if, after submitting a claim or receiving payment for a good or service under this section, the person knowingly or intentionally:

(1) fails to maintain medical assistance program records for a period of at least six years beginning on the date on which payment was made; or

(2) destroys medical assistance program records within the six-year period beginning on the date on which payment was made.

(b) An offense under this section is a felony of the third degree.

Sec. 32.104. CIVIL DAMAGES AND PENALTIES. (a) A person who presents or causes to be presented a claim that contains a statement or representation the person knows to be false is liable to the state for:

(1) the amount paid because of the false statement or representation, whether paid to the person presenting the claim containing the false statement or representation or to another;

(2) payment of a civil penalty of not less than \$100 nor more than \$10,000 for each item or service claimed; and

(3) all reasonable costs of the investigation and litigation, including reasonable attorney's fees.

(b) A criminal action need not be brought against the person before civil liability attaches under this section.

(c) An action under this section shall be instituted in a court of competent jurisdiction in Travis County.

(d) The damages, costs, and penalties collected under this section shall be transmitted to the state treasurer. The treasurer shall deposit the penalties and damages in the medical assistance fund.

(e) A damage, cost, or penalty collected under this section is not an allowable expense in any cost report submitted to the department for the purpose of determining a rate of payment.

Sec. 32.105. OTHER CIVIL PENALTIES. A person who fails to comply with a rule or regulation issued under this code relating to medical assistance is liable to the state for a civil penalty of not less than \$100 nor more than \$500 for each violation. Each day of continuing violation constitutes a separate violation. The department shall impose the penalty administratively. Judicial review of an order imposing the penalty is by trial de novo as prescribed by Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes). A civil penalty is not an allowable expense in a cost report submitted to the department for the purpose of determining a rate of payment.

Sec. 32.106. TESTIMONY AND RECORDS. (a) Except as otherwise provided by this section, in a civil or criminal proceeding or an investigation initiated under this chapter, a person may not refuse to testify or to produce records on the basis that the testimony or production of the records would violate a standard of confidentiality or privilege against disclosure or use, and the testimony or record collected under this section is admissible as evidence. This section prevails over a conflicting law, except that the privilege of the attorney-client relationship and any applicable constitutional privileges apply.

(b) A person does not incur civil or criminal liability except for perjury as a result of disclosures or testimony made under Subsection (a) of this section.

Sec. 32.107. LIMITATION. (a) A civil action may not be instituted more than six years after the presentation of a false claim.

(b) A criminal felony indictment under this subchapter may not be presented more than five years after the date of the commission of the offense.

SECTION 6. Section 1, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. PURPOSE. The purpose of this Act and the Licensing Agency created herein is to promote the public health, safety and welfare by providing for the development, establishment and enforcement of standards; (1) for the treatment of individuals in institutions of the character defined and covered herein; and (2) for the establishment, construction, maintenance and operation of such institutions which in the light of advancing knowledge will promote safe and adequate treatment of individuals in institutions. It is the responsibility and duty of the Licensing Agency to regulate the activities of convalescent homes, nursing homes, and related institutions to accomplish the purpose of this Act.

SECTION 7. Section 4, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. APPLICATION FOR LICENSE. (a) An application for a license shall be made to the Licensing Agency upon forms provided by it and contain such information as the Licensing Agency requires which may include affirmative evidence of ability to comply with reasonable standards, rules and regulations as are lawfully prescribed hereunder. The application shall be accompanied by a license fee which shall be in the sum of Fifty [Twenty-five] Dollars (\$50) [(\$25)] plus Two Dollars (\$2) [One Dollar (\$1)] for each unit of capacity or bed space for which a license is sought. Such license fee shall be paid annually in said amount with each application for renewal of the institution's license. All license fees provided for herein shall be waived for the State of Texas and its departments, divisions, boards and agencies. All license fees collected shall be deposited with the State Treasury to the credit of the Licensing Agency and said license fees are hereby appropriated to said Agency for its use in the administration and enforcement of this Act.

(b) The Licensing Agency shall establish a comprehensive institutional licensing system to protect the health, safety, and welfare of residents and to assure

that the institutions provide adequate care. A license application must be made under oath and, in addition to any other information that the Licensing Agency requires, must fully disclose and contain the following information or evidence:

(1) the name and address of the applicant, and if the applicant is not an individual, and as may be required by rule of the Licensing Agency, the names and addresses of all members, officers, directors, registered agents, partners, or shareholders who hold an ownership interest of at least five percent;

(2) the name of the person or persons under whose management or supervision the facility will be conducted and the name of its licensed administrator;

(3) the type of facility and the name and location of the facility;

(4) the number and type of residents for whom care is to be provided;

(5) evidence satisfactory to the Licensing Agency that the applicant is of reputable and responsible character as follows:

(A) if the applicant is a firm, association, organization, corporation, or other entity, the evidence presented must identify the members, officers, directors, and partners or shareholders who hold an ownership interest of at least five percent, and the person in charge of the facility for which the application for license is made; and

(B) if the applicant is a political subdivision of this state or another governmental agency, the evidence presented must identify the person in charge of the facility for which the application is made;

(6) the name and address of any person, and, if the person is not an individual, and as may be required by rule of the Licensing Agency, of the officers, directors, members, registered agents, partners, or shareholders, who own an ownership interest of at least five percent in the building or land on which the facility is located, or in any mortgage note, deed of trust, or any other obligation secured by the building or land at which the facility is located, or any lease or sublease of the building or land on which the facility is located;

(7) the name and location of any other facility or institution regulated under this Act with which the applicant has been affiliated through ownership or employment during the five-year period immediately preceding the date of the application for license;

(8) information relating to the conviction of a felony or of a misdemeanor involving moral turpitude and other information relating to an arrest for, or adjudication or conviction of a crime that relates to the provision of care in a facility or to the ability to operate a facility;

(9) satisfactory evidence of financial ability to operate and conduct the facility in accordance with this Act and the rules adopted under this Act;

(10) evidence satisfactory to the Licensing Agency of the ability of the applicant to comply with the provisions of this Act and of the rules adopted under this Act; and

(11) any other information required by the Licensing Agency to properly administer and enforce this Act.

(c) Upon receipt of an application for a license the Licensing Agency shall issue a license if upon inspection and investigation it finds that the applicant and facilities meet the requirements established under this law. The Licensing Agency may refuse to grant a license to an institution if false information is provided on the license application or if a person who claims a financial or ownership interest in the institution has previously been a party to an action under Section 11 of this Act in which a trustee was involuntarily appointed. The Licensing Agency may request and accept reports from similar agencies in other states to determine the accuracy of the information provided in the license application.

(d) Except as otherwise provided by this Act, a [A] license, unless suspended or revoked, shall be renewed annually after passage of an inspection and upon

tender of the annual license fee together with the filing by the licensee and approval by the Licensing Agency of an annual report upon such date and containing such information in such form as the Licensing Agency prescribes by regulation. Before renewing a license, the Licensing Agency may also require each applicant for renewal to pay any uncollected penalties assessed against the facility under this Act by any final order, decree, or judgment. Such license shall be issued only for the premises and persons or governmental units and for the maximum number of beds named in the application and shall not be transferable or assignable. The renewal of a license after notice of a violation of any requirement prescribed under this Act does not constitute a waiver by the Licensing Agency of its right to rely on the violation as the basis for subsequent license revocation, denial, or nonrenewal, or other enforcement action under this Act that arises out of the notice of violation. Any approved increase in the bed space shall be subject to an additional fee. Any violation of these provisions shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties provided for in Section 12(a) of this Act.

SECTION 8. Section 5, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5. INSPECTIONS. ~~[INSPECTION:]~~ The Licensing Agency or its duly authorized representative shall have the right to enter upon the premises at all [reasonable] times in order to make whatever inspection, survey, or investigation it deems necessary in accordance with the rules and regulations prescribed by the Licensing Agency. The Licensing Agency is entitled to access to books, records, and other documents maintained by a facility to the extent necessary to enforce this Act and the rules adopted under this Act. Any holder of a license or applicant for a license is deemed to have given consent to any authorized representative of the Licensing Agency to enter and inspect the facility in accordance with this Act. Refusal to permit the entry or inspection constitutes grounds for denial, nonrenewal, or revocation of a license as provided in this Act. ~~[Licenses shall be posted in a conspicuous place on the licensed premises.]~~

SECTION 9. Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended by adding Section 5A to read as follows:

Sec. 5A. POSTING OF INFORMATION; MATERIALS AVAILABLE FOR PUBLIC INSPECTION. (a) Each facility must prominently and conspicuously post for display in an area of its offices accessible to residents, employees, and visitors the following:

- (1) the license issued under this Act;
- (2) a sign approved by the Licensing Agency, in letters no smaller than one-fourth inch in height, describing complaint procedures established under this Act or under the rules adopted under this Act, that contains the name, address, and telephone number of a person authorized by the Licensing Agency to receive complaints;

(3) a copy of any order relating to the facility that is issued by the Licensing Agency or a court; and

- (4) a list of the materials available for public inspection under this section.

(b) A facility must maintain the following for public inspection:

(1) a complete copy of every inspection report received from the Licensing Agency during the past five years;

(2) a copy of every order relating to the facility issued by the Licensing Agency or a court during the past five years;

(3) a description of the services provided by the facility, the rates charged for the services, and a description of items for which a resident may be separately charged; and

(4) a record of the personnel employed or retained by the facility who are licensed, certified, or registered by this state.

SECTION 10. Section 6C, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended by amending Subsections (d) and (e) and by adding Subsections (f) through (i) to read as follows:

(d) Hearings and trials of petitions for the involuntary appointment of a trustee take precedence over other court business, including temporary injunctions, and shall be heard at the earliest time feasible unless the court determines that another pending matter that has similar statutory precedence as provided by Section 1, Chapter 707, Acts of the 67th Legislature, Regular Session, 1981 (Article 2166a, Vernon's Texas Civil Statutes), shall take priority. A petition must allege the facts on which the action is based and must be accompanied by an affidavit of an officer, employee, or representative of the Licensing Agency. The petition shall be filed and a trustee shall be appointed without bond. The petition and any written notice of hearing shall be served on the owner, administrator, or designated agent of the facility, and the petition or notice shall be posted prominently and conspicuously in an area of the facility offices not later than the third day before the day specified for a hearing, unless a different period is fixed by order of the court. A trusteeship may be established without notice if the court determines that:

(1) any of the conditions under Subsection (c) of this section exist within the facility;

(2) the licensee cannot be found;

(3) the petitioner has exhausted all reasonable means of locating or notifying the licensee, administrator, or registered agent; or

(4) an emergency exists that justifies the appointment without notice.

(e) An order appointing a trustee without notice expires by its own terms within the time fixed by the court, not to exceed 10 days, unless the court extends the time fixed in the order for good cause shown, or unless the licensee against whom the order is directed consents to its extension for a longer period.

(f) If, after hearing, the court finds that involuntary appointment of a trustee is necessary, the court shall appoint a trustee to take charge of the facility. When possible, the court shall appoint as trustee an individual whose background includes institutional medical administration, except that it shall not appoint any owner or person having any ownership interest in the facility or an affiliate of the facility which is subject to the petition for a trustee. The trustee may be selected from a list developed by the Licensing Agency of persons qualified to act as trustees and presented to the court with each petition for trustee. A bond is not necessary for a trustee appointed under this section.

(g) The trustee appointed under this section shall make provisions for the continued health, safety, and welfare of all residents of the facility and shall exercise the powers and duties ordered by the court.

(h) Notwithstanding Section 4 of this Act, the Licensing Agency may issue an emergency conditional license to any facility for which an involuntary trustee is appointed. The conditional license terminates at the end of the trustee's appointment. The Licensing Agency may waive the requirements of Section 4 of this Act in issuing a conditional license.

(i) [(e)] A trustee appointed pursuant to this section is entitled to a reasonable fee as determined by the court. The trustee may petition the court to order the release to the trustee of any payment due for care and services provided to the residents that has been withheld, such as payment withheld by the Texas Department of Human Resources at the recommendation of the Texas Department of Health. The funds may include Medicaid, Medicare, insurance or

other third-party payments, or medical expenses borne by the resident that may be withheld by a governmental agency or other entity during the appointment of the trustee.

SECTION 11. Section 9, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. INSPECTION AND CONSULTATIONS; MEETING. (a) The Licensing Agency shall make or cause to be made such inspections, surveys, and investigations as it deems necessary. The Licensing Agency shall hold at least one open hearing a year in each licensed institution to hear any complaints of substandard care or licensing violations; provided, however, an institution that provides maternity care is exempt from this specific requirement. The Licensing Agency shall notify the institution, the designated closest living relatives or legal guardians of the institution's residents, and other appropriate State or Federal agencies that work with the institution of the time, place, and date of the hearing. The Licensing Agency may exclude an institution's administrators, owners, and personnel from the hearing. The Licensing Agency shall notify an institution of any complaints received at the hearing. The Licensing Agency shall provide a summary of the complaints without identifying the source thereof to the licensed institution. The Licensing Agency shall determine and implement a mechanism to notify confidentially the complainant of the results of the investigation which followed the complaint. It is further provided that the Licensing Agency shall wherever possible utilize the services and consultation of other State and local agencies in carrying out its responsibility under the provisions of this Act and shall use wherever possible the facilities of the Texas Department of Human Resources especially in setting up and maintaining standards with reference to the humane treatment of the individuals in the institutions.

(b) The Licensing Agency is hereby given the authority to cooperate with local public health officials of any county or incorporated city in carrying out the provisions of this Act and may in its discretion delegate to said local authorities the power to make the inspections and recommendations to the Licensing Agency in accordance with the terms and provisions of this Act.

(c) Each institution licensed under this Act shall conduct on a monthly basis an open meeting in the facility to promote good care for residents by encouraging mutual cooperation among residents, families and friends of residents, interested citizens, and facility personnel. The open meeting shall be regularly scheduled at a time which maximizes the participation of all parties. The time and place of the open meeting must be posted in the facility in conspicuous places. Responsible personnel in the facility shall conduct the open meeting.

SECTION 12. Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended by adding Section 9A to read as follows:

Sec. 9A. INVESTIGATION OF COMPLAINTS. (a) A person who believes that this Act, a rule adopted under this Act, or a federal or state certification rule that applies to a facility may have been violated may request an investigation. The request must be submitted to the Licensing Agency in writing.

(b) The Licensing Agency shall provide a written description of the substance of the complaint to the licensee, owner, or administrator at the commencement of the on-site inspection of the facility that takes place in response to the complaint. On the request of a complainant who is a relative or a legal guardian of a resident of the facility, the Licensing Agency may permit the complainant or a representative of the complainant to accompany the inspector making the on-site inspection of the facility at the time the resident is contacted. On the request of a complainant who is not a relative or a legal guardian of a

resident of the facility, the Licensing Agency may permit an ombudsman from the Texas Department on Aging to accompany the inspector making the on-site inspection of the facility.

(c) The complaint, a copy of the complaint, or a record published, released, or otherwise disclosed to the facility may not disclose the name of the complainant unless the complainant or resident consents in writing to the disclosure, the investigation results in a judicial proceeding, or the Licensing Agency determines that disclosure is essential to the investigation. The complainant shall be given the opportunity to withdraw the complaint before disclosure.

(d) On receipt of a complaint, the Licensing Agency shall determine whether this Act, a rule adopted under this Act, or a federal or state certification rule has been or is being violated. The Licensing Agency shall make a determination about a complaint that alleges a Type A violation in writing not later than the 10th day after the receipt of the complaint. The Licensing Agency shall make a determination about a complaint that alleges a Type B or Type C violation in writing not later than the 30th day after the receipt of the complaint. The determination must state the reasons for the agency's decision.

(e) The Licensing Agency shall inform the complainant of its findings not later than the 10th day after its determination is made. The complainant may direct the Licensing Agency to send a copy of any findings that are not confidential to another person. The Licensing Agency shall notify the facility of the findings not later than the 10th day after the determination, but the name of the residents involved may not be disclosed in the notice to the facility. The notice of the findings must include:

- (1) a copy of the written determination;
- (2) the correction order, if any;
- (3) the warning notice, if any; and
- (4) the state licensure or federal certification form, or both, on which the violation is listed.

(f) The Licensing Agency shall make a written determination, correction order, or warning notice concerning a complaint available for public inspection, but the name of the complainant or resident involved may not be disclosed without that person's consent.

SECTION 13. Section 11, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) Unless the Licensing Agency has taken action regarding a violation of this Act or a rule adopted under this Act that threatens the health, safety, or welfare of a resident and the violation has been corrected to the satisfaction of the Licensing Agency, an institution licensed under this Act that violates this Act or a rule adopted under this Act may be enjoined from continuing the violation or may be sued for civil damages in the district court of Travis County or of the county in which the alleged violation occurred. An action for an injunction or civil damages, or both, may be prosecuted after notice to the Licensing Agency by the attorney general in the name of the state on his own complaint or on the complaint of a board, officer, person, or individual acting for the interest of the general public. The amount of civil damages that may be recovered in an action brought under this subsection may not exceed the maximum amount of civil penalties that may be assessed under Section 12(b) of this Act. The remedies specified in this subsection are in addition to any other remedy provided by law.

SECTION 14. Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended by adding Section 11A to read as follows:

Sec. 11A. PROHIBITED ACTS. (a) A person may not:

(1) wilfully prevent, interfere with, or attempt to impede in any way the work of a duly authorized representative of the Licensing Agency in the lawful enforcement of any provision of this Act;

(2) wilfully prevent or attempt to prevent that representative from examining relevant books or records in the conduct of his official duties under this Act;

(3) wilfully prevent or interfere with that representative in the preserving of evidence of a violation of this Act or of the rules adopted under this Act; or

(4) wilfully file any false, incomplete, or intentionally misleading information in the place of information required to be filed under this Act, or wilfully refuse to file any required information.

(b) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to the penalties provided under Section 12(a) of this Act.

(c) The county attorney of the county in which the facility is located, or the attorney general, may be requested by the Licensing Agency to initiate prosecution under Subsection (b) of this section.

SECTION 15. Section 12, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and by adding Subsections (c) through (j) to read as follows:

(b) A person who violates this Act or ~~[who fails to comply with]~~ a rule adopted under ~~[or regulation authorized by]~~ this Act in a manner determined by the Licensing Agency to threaten the health, ~~[and]~~ safety, and welfare of a resident ~~[the patient]~~ is subject to a civil penalty as follows: ~~[of not less than \$100 nor more than \$500 for each act of violation, and each day of a continuing violation constitutes a separate ground of recovery.]~~

(1) Type A violation: Three Thousand Dollars (\$3,000) for each act of violation if the violation creates a condition of actual abuse or neglect that is life-threatening to a resident;

(2) Type B violation: One Thousand Dollars (\$1,000) for each act of violation if the violation relates to deficiencies in the operation and maintenance of a facility that directly threatens the health, safety, or welfare of a resident; or

(3) Type C violation: Five Hundred Dollars (\$500) for each act of violation if the violation creates a condition or an occurrence relating to the operation and maintenance of a facility that is not a Type A or Type B violation and that adversely affects the health, safety, or welfare of a resident.

(c) Each day of continuing violation under Subsection (b) of this section constitutes a separate ground of recovery.

(d) The Licensing Agency shall assess a civil penalty in each case in which a violation is determined. An action for a civil penalty is not abated by reason of the revocation, suspension, resignation, or any other termination of the license of the person alleged to have violated this Act or a rule adopted under this Act.

(e) If a licensee desires to contest a proposed assessment of a civil penalty, the licensee shall notify the Licensing Agency in writing not later than four business days after notification of the assessment of his request for an informal conference with the Licensing Agency's designated representative for the county in which the cited facility is located. The representative shall hold, not later than seven business days after the receipt of the request, an informal conference, at the conclusion of which he may recommend to the Licensing Agency the affirmance, modification, or dismissal of the proposed assessment of a civil penalty. The Licensing Agency shall review the recommendation not later than seven business days after the day of the informal conference. If the agency modifies or dismisses the proposed assessment of a civil penalty, it shall state with particularity in writing

the reasons for that action, and shall immediately transmit a copy to each party to the original complaint. If the licensee desires to contest a decision made after the informal conference, he shall so inform the Licensing Agency in writing not later than four business days after the day on which he receives the decision by the Licensing Agency. If the licensee fails to notify the Licensing Agency in writing that he intends to contest the proposed assessment of a civil penalty within the time specified in this subsection, the proposed assessment of a civil penalty constitutes the final order of the Licensing Agency and is not subject to further administrative review.

(f) If a licensee notifies the Licensing Agency that he intends to contest the proposed assessment of a civil penalty, the Licensing Agency shall immediately notify the attorney general. On notification, the attorney general shall promptly take all appropriate action to recover the civil penalty and shall take any other action as he shall deem appropriate in the district court of Travis County or of the county in which the facility is located.

(g) In assessing the civil penalty for each count of violation, a court shall consider the nature of the violation and the seriousness of the effect of the violation on the implementation of the purposes and provisions of this Act.

(h) The civil penalties authorized by this Act are trebled for a second or subsequent violation that occurs within any 12-month period, if within that period a civil penalty was assessed for a violation.

(i) An action brought under this Act shall be set for trial at the earliest possible date and shall take precedence on the court calendar over all other cases except matters to which equal or superior precedence is specifically granted by law. The times for responsive pleadings and for hearings in those proceedings shall be set by the judge of the court with the object of securing a decision as to those matters at the earliest possible time.

(j) The civil penalties imposed under this section shall not be an allowable expense in any cost report submitted to the Licensing Agency or any other state or federal agency for the purpose of determining a rate of payment. The penalties collected under this section shall be deposited in the state treasury to the credit of the general revenue fund, and shall be appropriated to the Licensing Agency for use in the performance of duties under this Act.

SECTION 16. Section 16, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended by adding Subsection (i) to read as follows:

(i) Effect of Retaliation Because of Report. (1) A person has a cause of action against an institution, or the owner or employee of an institution, that suspends or terminates the employment of the person, or otherwise disciplines or discriminates against the person, for reporting the abuse or neglect of a nursing home patient to the person's supervisors, to the Licensing Agency, or to a law enforcement agency. The person may recover:

(A) actual damages, including damages for mental anguish even though no other injury is shown, or \$1,000, whichever amount is greater;

(B) exemplary damages;

(C) costs of court; and

(D) reasonable attorney's fees.

(2) In addition to amounts recovered under Subdivision (1) of this subsection, a person whose employment is suspended or terminated in violation of this subsection is entitled to:

(A) reinstatement in his former position; and

(B) compensation for wages lost during the period of suspension or termination.

(3) A person who sues under this subsection has the burden of proof, but it is a rebuttable presumption that a person's employment was suspended or

terminated for reporting abuse or neglect if the person is suspended or terminated within 60 days after making a report in good faith.

(4) An action under this subsection may be brought in the district court of the county:

(A) in which the plaintiff resides;

(B) in which the plaintiff was employed by the defendant; or

(C) in which the defendant conducts business.

SECTION 17. Section 4(5), Texas Nursing Home Administrators Licensure Act (Article 4442d, Vernon's Texas Civil Statutes), is amended to read as follows:

(5) The Texas Board of Licensure for Nursing Home Administrators shall cooperate to the fullest extent possible with the State Purchasing and General Services Commission, the Texas Department of Human Resources, the attorney general, and the Texas Department of Health. The board shall obtain required administrative support through interagency contracts that eliminate duplication and are economical for the State. Interested and involved agencies and the board may exchange information obtained through investigation. The [be administratively attached to the Texas Department of Health. The department shall provide administrative assistance to the board, and the department and the board shall coordinate administrative responsibilities in order to avoid unnecessary duplication and in furtherance of the objective of providing quality nursing home services. The department shall submit the board's budget requests to the legislature. The department and the board shall share investigative staff and other employees. However, the] board may employ its own [additional] investigative staff as authorized by the legislature.

SECTION 18. Section 6, Texas Nursing Home Administrators Licensure Act (Article 4442d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. FUNCTIONS AND DUTIES OF THE BOARD. It shall be the function and duty of the board to:

(1) develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator and standards which must be met by licensees, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators and satisfactorily perform the duties of nursing home administrators;

(2) develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) issue licenses to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

(4) establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

(5) receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

(6) conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such;

(7) conduct or cause to be conducted, one or more courses of instruction and training sufficient to meet the requirements of this Act, ~~[and]~~ make provisions for the conduct of such courses and their accessibility to residents of this State, and establish and collect reasonable fees as determined by the board for the educational instruction conducted by the board, unless it finds that there are a sufficient number of courses conducted by others within this State to meet the needs of the State. In lieu thereof the board may approve courses conducted within and without the State as sufficient to meet the education and training requirements of this Act; and

(8) on request, provide to each individual who fails an examination administered by the board an analysis of the individual's performance on the examination.

SECTION 19. Section 7A, Texas Nursing Home Administrators Licensure Act (Article 4442d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7A. POSTING OF COMPLAINT INFORMATION SIGN. There shall at all times be prominently displayed in every nursing home regulated by the state, a sign in letters no smaller than one-fourth ~~[one]~~ inch in height, the contents of which shall contain the name, mailing address, and telephone number of the Texas Board of Licensure for Nursing Home Administrators and which shall contain a statement informing consumers that complaints against nursing home administrators can be directed to the board.

SECTION 20. Section 10A, Texas Nursing Home Administrators Licensure Act (Article 4442d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 10A. EXPIRATION DATES OF LICENSES~~[-PRORATION OF FEES]~~. The board by rule may adopt a system under which licenses expire on various dates during the year. ~~[For the year in which the expiration date is changed, license fees payable on June 30 shall be prorated on a monthly basis so that each licensee shall pay only that portion of the license fee which is allocable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the total license fee is payable.]~~

SECTION 21. Sections 11(1), (2), (6), (7), (9), and (10), Texas Nursing Home Administrators Licensure Act (Article 4442d, Vernon's Texas Civil Statutes), are amended to read as follows:

(1) The board shall be authorized to revoke, suspend, or refuse to renew, a nursing home administrator's license after due notice and hearing upon the following grounds or any of them:

(a) upon proof that such licensee has wilfully or repeatedly violated any of the provisions of this Act or the rules adopted in accordance therewith;

(b) upon proof that such licensee has wilfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home of which he is administrator;

(c) upon proof that a licensee procured or attempted to procure a license by misrepresentation or deceit, or by making a material misstatement of fact in an application for a license ~~[Upon proof that the licensee was guilty of fraud in securing his license];~~

(d) upon proof of the intemperate use of alcohol or drugs which in the opinion of the board creates a hazard to patients;

(e) upon proof of a judgment of a court of competent jurisdiction finding the licensee insane;

(f) upon proof that such licensee has been convicted in a court of competent jurisdiction of a misdemeanor or a felony involving moral turpitude; and

(g) upon proof that the licensee has been grossly negligent in his duties as a nursing home administrator.

(2) The board shall have jurisdiction to hear all disciplinary charges brought under the provisions of this Act against persons licensed as nursing home

administrators and upon such hearings shall determine such charges upon their merits. Proceedings under this Act shall be begun by filing with the board written charges under oath. Such charges may be preferred by any person and after notice in writing of not less than 30 ~~[fifteen (15)]~~ full days, stating the place and date of the hearing, accompanied by a copy of the complaint or charges, the board, or a majority thereof, shall hold a hearing on said charges, cause a written record to be made of the evidence given at the hearing, accord the person charged a right to present evidence, be represented by an attorney, and to cross-examine the witnesses. In this connection the board shall be authorized to issue subpoenas for witnesses at the hearing, either at the request of the person cited or on behalf of the board or its representative; to compel the attendance of witnesses, and administer oaths to witnesses. Disobedience of a subpoena duly issued by the board or by its executive director under its direction, shall constitute a contempt of the board which shall be enforceable by any district court sitting in the county in which the hearing is being held upon petition of the board and the presentation to the court of evidence of wilful disobedience and if the district judge is of the opinion and finds that the subpoena was wilfully disobeyed, such judge shall be authorized to punish a subpoenaed witness in like manner and to the extent provided in like cases in civil actions in the district courts of Texas.

(6) Not later than 60 days after the date on which the complaint is filed, the ~~[The]~~ board must ~~[within 31 days from the date of filing of the complaint]~~ determine whether a hearing shall be held on such complaint or whether such complaint shall be dismissed and shall notify both the person who filed the complaint and the person against whom the complaint has been filed of the board's decision.

(7) If the board determines that a hearing should be held on a complaint, the board shall designate a hearing officer to conduct the hearing on the complaint. The hearing shall be held not later than 120 days after ~~[within 61 days from]~~ the date that the written complaint was filed unless such time is extended in writing by the board.

(9) The hearing officer shall forward to the board the complete record of the hearing not later than 60 ~~[30]~~ days after ~~[from]~~ the date of the hearing along with the hearing officer's recommendations concerning what disciplinary action, if any, should be taken by the board with respect to the complaint.

(10) The board shall take action on such complaint by written order not later than 180 days after the date of ~~[the 120th day following]~~ the filing of the complaint, unless the date for hearing was delayed pursuant to Subsection (7) of this section, in which case the deadline for the order is extended accordingly. Copies of the order and the record of the hearing shall be filed together in the office of the board, indexed, and made available for public inspection.

SECTION 22. Section 3.09(g), Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), is amended to read as follows:

(g) The director shall not permit access to information submitted to the Department of Public Safety pursuant to this section to any person, except:

(1) investigators for the Texas State Board of Medical Examiners, the Texas State Board of Podiatry Examiners, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, ~~[or]~~ the State Board of Pharmacy, or the Medicaid fraud control unit of the office of the attorney general; or

(2) authorized officers of the Department of Public Safety engaged in bona fide investigation of suspected criminal violations of this Act, who obtain such access with the approval of an investigator listed in Subdivision (1) of Subsection (g) of this section, who shall cooperate and assist such peace officers in obtaining information for bona fide investigations of suspected criminal violations of this Act.

SECTION 23. (a) The change in law made by Section 5 of this Act applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

(c) Section 21 of this Act applies to a complaint filed on or after the effective date of this Act. A complaint filed before the effective date of this Act is governed by the law in existence on the date the complaint is filed, and the former law is continued in effect for that purpose.

SECTION 24. This Act takes effect September 1, 1983.

SECTION 25. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Doggett offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Amendment No. 1 to C.S.S.B. 1414 by inserting after subsection (J) of Section 15 and a new subsection to read as follows:

“(k) The Licensing Agency may waive all or part of a civil penalty assessed under the provisions of Section 12(b) of this Act. The Licensing Agency shall consider the timeliness of correction of deficiencies in making a determination to waive all or part of an assessed civil penalty.”

The amendment to Floor Amendment No. 1 was read and was adopted.

Question recurring on adoption of Floor Amendment No. 1 as amended, Floor Amendment No. 1 as amended was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE HOUSE BILL 1836 ON SECOND READING

Senator Jones asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 1836, Relating to the rate of the city hotel occupancy tax.

There was objection.

Senator Jones then moved to suspend the regular order of business and take up C.S.H.B. 1836 for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Mauzy, Sims.

Absent: Henderson, Sarpalius.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1836 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 1836 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Mauzy, Sims, Washington.

Absent: Henderson, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Mauzy, Sims.

Absent: Henderson, Sarpalius.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

H.B. 658

COMMITTEE SUBSTITUTE HOUSE BILL 718 ON SECOND READING

Senator Brooks asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 718, Relating to the class of persons not qualified to vote.

There was objection.

Senator Brooks then moved to suspend the regular order of business and take up C.S.H.B. 718 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Kothmann, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Howard, Jones, Leedom, Lyon, Sims.

Absent: Henderson, Sarpalius.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Sharp asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 718 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 718 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Howard, Jones, Leedom, Sims.

Absent: Henderson, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 8.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Kothmann, Mauzy, McFarland, Parker, Parmer, Santiesteban, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Howard, Jones, Leedom, Lyon, Montford, Sharp, Sims.

Absent: Henderson, Sarpalius.

COMMITTEE SUBSTITUTE SENATE BILL 1414 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1414 be placed on its third reading and final passage.

C.S.S.B. 1414, Relating to regulation of nursing and convalescent homes and related institutions and the administration of the medical assistance program in those institutions and to fraud and other violations committed under that program; providing penalties.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Howard, Jones, Leedom, Sims.

Absent: Sarpalius, Washington.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 11.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Kothmann, Lyon, Mauzy, Parker, Parmer, Santiesteban, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Glasgow, Harris, Henderson, Howard, Jones, Leedom, Montford, Sharp, Sims, Traeger.

Absent: McFarland, Sarpalius.

(Senator Harris in Chair)

HOUSE BILL 338 ON SECOND READING

Senator Parmer asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 338, Relating to the authority of the Texas Department of Mental Health and Mental Retardation to construct and operate a psychiatric treatment facility in Tarrant County.

There was objection.

Senator Parmer then moved to suspend the regular order of business and take up **H.B. 338** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Brooks, Brown, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Washington.

Absent: Caperton, Parker, Sarpalius.

The bill was read second time.

Senator Parmer offered the following amendment to the bill:

Amend **H.B. 338** by striking everything below the enacting clause and substituting the following:

"SECTION 1. Section 3.11, Texas Mental Health and Mental Retardation Act (Article 5547-203, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.11. PROPERTY, BUILDINGS, FACILITIES. (a) A community center may acquire real property and personal property by purchase or lease and may construct buildings and facilities. A community center may transfer ownership of real property to the Department, pursuant to an agreement whereby the Department agrees to construct community-based care facilities or alternate living facilities on the property and to lease the facilities to that community center for the purpose of providing mental health and mental retardation services. The Department may construct the facilities at sites other than the present sites of departmental institutions and may lease the facilities to the community centers in the manner and under such terms and conditions as specified in this section.

(b) A special fund to be known as the special community centers facilities construction fund is established in the state treasury. The fund may be used only to finance the construction of facilities by the Department under this section. The Texas Board of Mental Health and Mental Retardation shall establish priorities for the use of facilities constructed under this section in terms of appropriate types of community-based services and alternative living arrangements for the mentally disabled. These priorities shall serve as a basis for criteria to be used by the Department in determining the eligibility of a proposal for facility construction. If the Department agrees to construct a facility for a community center, the agreement must include provision for a lease-purchase arrangement between the community center, the governing body of each local agency establishing the

community center, and the Department. The Department shall specify a leasing arrangement which includes an amortization of the cost of the facility over a period not to exceed forty (40) years. The agreement may provide for reasonable interest to be paid by the center on the total cost of the facility. The rate of interest may not exceed 50 percent of the market interest rate, as determined by the Department, applicable at the time of the signing of the lease-purchase agreement to any establishing agency's revenue bonds if the agency were to issue bonds for the construction of the community center for the same term as the term covered by the lease-purchase agreement. The leasing payments shall be credited to the special community centers facilities construction fund toward the purchase of the facility by the community center.

(c) At such time as the community center has paid to the Department the amount specified under the terms of the lease-purchased agreement, the Department shall transfer full title of the property and all improvements to the community center. If a lease payment is not paid to the Department by the due date established in the lease-purchase agreement, the community center is considered in default. On default by the community center, the Department shall send to the community center a written notice of the default and a statement that the center must make the overdue payments before the expiration of sixty (60) days after the day on which the center receives the notice. If the community center does not make the overdue payments within the allotted time, the lease-purchase agreement is terminated and the Department may take possession of the facility.

(d) The community center may utilize state funds, including but not limited to state grant-in-aid, for the operation of the facility, provided that the total amount of all state funds used in the actual operation of the facility may not exceed 60 percent of the total operating budget of that facility. State funds received by the community center may not be used to pay leasing payment obligations under this section. Leasing payments do not qualify as operating expenses for determining the total operating budget of the facility. Construction and operation of a facility under the provisions of this section are not grounds for receipt by a community center of additional grant-in-aid in excess of the amount of grant-in-aid the center would otherwise receive pursuant to the rules and regulations of the Department governing the distribution of such funds.

SECTION 2. (a) The Texas Department of Mental Health and Mental Retardation is authorized to construct a psychiatric treatment facility in Tarrant County on a site approved by the Texas Board of Mental Health and Mental Retardation. The site for the facility may be located on land that is not presently used for a department facility.

(b) When the site is approved by the board, the Tarrant County Hospital District Board of Managers may transfer ownership of the real property on which the facility will be located to the department without cost. The attorney general must approve the title to the real property before ownership may be transferred.

SECTION 3. Notwithstanding the provisions in Section 3.11, Texas Mental Health and Mental Retardation Act, as amended, regarding lease-purchase agreements, the Tarrant County mental health and mental retardation community center is not required to enter into a lease-purchase agreement with the department for the construction of the psychiatric treatment facility authorized by Section 2 of this Act and for which funds have been appropriated by the 68th Legislature, Regular Session. As prescribed by Section 2.13, Texas Mental Health and Mental Retardation Act, the department may contract with the Tarrant County mental health and mental retardation community center to lease to the community center the facility authorized to be constructed under Section 2 of this Act for the purpose of operating a psychiatric treatment facility. Subsection (d) of Section 3.11, Texas

Mental Health and Mental Retardation Act, as amended applies to the use of state funds by the community center for the operation of the psychiatric treatment facility.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Parmer offered the following committee amendment to the bill:

Amend SECTION 2 of H.B. 338 to read as follows:

SECTION 2. As prescribed by Section 2.13, Texas Mental Health and Mental Retardation Act, the department may contract with the Tarrant County mental health and mental retardation community center to lease the facility to the community center for the purpose of operating [operate] the psychiatric treatment facility authorized by this Act. The community center may utilize grant-in-aid from the state for the operation of the facility not to exceed 60% of the total operating budget of the facility.

The committee amendment was read.

On motion of Senator Parmer and by unanimous consent, the committee amendment was tabled.

On motion of Senator Parmer and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

RECORD OF VOTES

Senators Blake and Washington asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 338 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 338 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Brooks, Brown, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Mauzy, Washington.

Absent: Caperton, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Washington.

Absent: Sarpalius.

SENATE BILL 591 ON SECOND READING

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 591, Relating to civil service for certain firemen and policemen.

The bill was read second time and was passed to engrossment.

HOUSE BILL 1708 ON SECOND READING

Senator Vale asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1708, Relating to the carrying of nightsticks by certain campus security personnel.

There was objection.

Senator Vale then moved to suspend the regular order of business and take up **H.B. 1708** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Lyon, Mauzy, Washington.

Absent: Sarpalius.

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend **H.B. 1708** by striking "10" on line 39 and replacing in lieu thereof "15" and striking the period on line 40 and adding the following after the word "club":

" , including at least 7 hours of training in the use of the club for non-violent restraint. For the purposes of this section, "non-violent restraint" means the use of reasonable force, not intended and not likely to inflict bodily injury."

The amendment was read and was adopted.

On motion of Senator Vale and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

RECORD OF VOTES

Senators Glasgow, Lyon, Mauzy and Washington asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1708 ON THIRD READING

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1708** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, McFarland, Montford, Parker,

Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Glasgow, Lyon, Mauzy, Washington.

Absent: Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
May 24, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has refused to concur in Senate amendments to **H.B. 642** and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Willis, Chairman; Blanton, Russell, Word, Hall of Tarrant.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 814 ON SECOND READING

Senator Lyon asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 814, Relating to the offense of capital murder, expanding the definition.

There was objection.

Senator Lyon then moved to suspend the regular order of business and take up **S.B. 814** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Vale, Whitmire, Williams.

Nays: Mauzy, Uribe, Washington.

Absent: Sarpalius.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Mauzy, Uribe and Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 814 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 814** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Vale, Whitmire, Williams.

Nays: Mauzy, Uribe, Washington.

Absent: Sarpalius.

(President in Chair)

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy, Uribe and Washington asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 651 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 651, Relating to state loans to finance the purchase, installation, or repair of energy conservation devices and renewable energy systems for use in residences.

The bill was read second time and was passed to third reading.

HOUSE BILL 651 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 651** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: Sarpalius.

The bill was read third time and was passed.

HOUSE JOINT RESOLUTION 72 REREFERRED

On motion of Senator Farabee and by unanimous consent, **H.J.R. 72** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Natural Resources.

HOUSE RESOLUTIONS ON FIRST READING

The following resolutions received from the House were read the first time and referred to the Committee indicated:

H.C.R. 251, To Committee on Administration.

H.C.R. 238, To Committee on Administration.

H.C.R. 236, To Committee on Administration.

H.C.R. 230, To Committee on Administration.

H.C.R. 229, To Committee on Administration.

H.C.R. 214, To Committee on Administration.

H.C.R. 217, To Committee on Administration.

SENATE RULE 103 SUSPENDED

On motion of Senator Blake and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider the following resolutions today:

H.C.R. 166

H.C.R. 214

H.C.R. 217

SENATE RULE 103 SUSPENDED

On motion of Senator Traeger and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider **S.B. 1438** and **H.B. 1015** today.

SENATE RULE 103 SUSPENDED

On motion of Senator Doggett and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider **H.B. 2094** at 9:00 o'clock a.m. tomorrow.

MEMORIAL RESOLUTIONS

S.R. 674 - By Glasgow, Parmer, McFarland: Memorial resolution for Reverend J. L. Dawson.

S.R. 675 - By Glasgow, Parmer, McFarland: Memorial resolution for Herman G. Cox, Jr.

S.R. 676 - By Glasgow: Memorial resolution for Kenneth Darden.

S.R. 679 - By Parmer: Memorial resolution for Mrs. Nenetta Burton Carter.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 669 - By Doggett: Extending welcome to the fourth grade class from Kirby Hall School.

S.R. 671 - By Williams: Extending congratulations to Dr. Lloyd T. Dickens.

S.R. 677 - By Glasgow: Extending congratulations to FFA Range and Pasture judging team members from Comanche High School.

S.R. 678 - By Brooks: Commending Damon L. Engle.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 3:30 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(May 24, 1983)

H.C.R. 188

S.B. 405 (Effective immediately)

S.B. 578 (Effective August 29, 1983)

S.B. 971 (Effective August 29, 1983)

S.B. 612 (Effective August 29, 1983)

S.B. 387 (Effective August 29, 1983)

S.B. 1285 (Effective September 1, 1983)

S.B. 579 (Effective September 1, 1983)

S.B. 781 (Effective August 29, 1983)
 S.B. 786 (Effective immediately)
 S.B. 809 (Effective immediately)
 S.B. 1112 (Effective August 29, 1983)
 S.B. 355 (Effective immediately)
 S.B. 541 (Effective immediately)
 S.B. 1269 (Effective August 29, 1983)
 S.B. 826 (Effective August 29, 1983)
 S.B. 1029 (Effective August 29, 1983)
 S.B. 1030 (Effective August 29, 1983)
 S.B. 1031 (Effective August 29, 1983)
 S.B. 1032 (Effective August 29, 1983)
 S.B. 59 (Effective September 1, 1983)
 S.B. 109 (Effective September 1, 1983)
 S.B. 471 (Effective immediately)
 S.B. 1222 (Effective September 1, 1983)
 H.B. 410 (Effective immediately)
 H.B. 672 (Effective immediately)
 H.B. 1111 (Effective immediately)
 H.B. 1861 (Effective August 29, 1983)
 H.B. 2018 (Effective immediately)
 H.B. 102 (Effective August 29, 1983)
 H.B. 103 (Effective August 29, 1983)
 H.B. 680 (Effective immediately)
 H.B. 15 (Effective August 29, 1983)
 H.B. 719 (Effective September 1, 1983)
 H.B. 1229 (Effective immediately)
 H.B. 1775 (Effective September 1, 1983)

Sent to Governor
(May 24, 1983)

S.C.R. 15	S.C.R. 27
S.C.R. 77	S.C.R. 99
S.C.R. 108	S.C.R. 110
S.C.R. 130	
S.B. 82	S.B. 901
S.B. 100	S.B. 906
S.B. 133	S.B. 963
S.B. 148	S.B. 975
S.B. 156	S.B. 1025
S.B. 242	S.B. 1033
S.B. 311	S.B. 1047
S.B. 354	S.B. 1137
S.B. 376	S.B. 1143
S.B. 407	S.B. 1152
S.B. 512	S.B. 1192
S.B. 547	S.B. 1194
S.B. 563	S.B. 1217
S.B. 653	S.B. 1245
S.B. 728	S.B. 1282
S.B. 738	S.B. 1291
S.B. 765	S.B. 1292
S.B. 843	S.B. 1312

S.B. 856
S.B. 872
S.B. 892

S.B. 1345
S.B. 1358
S.B. 1359
S.B. 1402

SEVENTY-FOURTH DAY
(Wednesday, May 25, 1983)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Joseph Phelps, Highland Park Baptist Church, Austin, offered the invocation as follows:

Holy Father, we would pause in a few moments of retreat to catch the rhythm of Your pace, to remind ourselves that in spite of all the pressure and weight that we feel that it is not us but You who moves and sustains our world.

May we find a sense of peace in this truth. We pray for our State, for the people who guide her in decision making and for the many people whose lives are shaped by their decisions. This morning we pray especially for those are the least powerful, the poor, the uneducated, the hopeless, nameless faces across our land. As we pray for them we pray for ourselves, that our lives and our influence might be used to see that the hungry are fed and the thirsty are given drink, the homeless, jobless families are given a chance. Smile on our efforts to justice and mercy. We lift up our very best to You, asking Your blessing, we pray, through Jesus Christ, the great lover of all people, Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
May 25, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 326, Relating to the form in which certain government records may be kept.

H.B. 1018, Relating to the authority of rural fire prevention districts to issue bonds, notes, and bond anticipation notes.

H.B. 1519, Relating to student center complex fees at institutions within The Texas A&M University System.